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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/063,312

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Sergey Platonov

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EXAMINER

PERSINO, RAYMOND B

ART UNIT

PAPER NUMBER

2682

3

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/063,312

Applicant(s)

PLATONOV, SERGEY

Examiner

Raymond B. Persino

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because it is replete with grammatical and idiomatic errors. The disclosure appears to be a literal translation into English from a foreign document. Appropriate correction is required. Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: The end of line 8 of claim 1 contains a parentheses mark. Appropriate correction is required.
3. Claim 6 is objected to because of the following informalities: It is unclear from which claim, claim 6 depends. Appropriate correction is required.
4. Claims 7-9 are objected to because of the following informalities: It is unclear from which claim, claims 7-9 depends. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign

document and are replete with grammatical and idiomatic errors. Appropriate correction is required

7. Claim 1 recites the limitation "regular [set]" in line 7 of claim 1. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 4 recites the limitation "the rear side" in line 2 of claim 4. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what is meant by a hysteresis function in operation diagram.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by URATA et al (JP 04022244 A).

Regarding claim 1, URATA et al discloses a communication device, comprising: a device for transmitting and receiving data; a device for receiving of speech signal; a device for reproduction of speech signal; wherein an additional set of speech signal receiving and reproduction devices are introduced into device together with switch to

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connect either regular or additional set to communicative device wherein said additional device for receiving of speech signal is installed on the face side of said communicative device nearby the said regular device for reproduction of speech signal; said additional device for reproduction of speech signal is installed on the face side of said communicative device nearby the said regular device for receiving of speech signal; said switch put into operation regular or additional said sets depending on which edge of device is taken upwards (see English abstract).

Regarding claim 2, see the parent claim concerning the subject matter this claim depends from. URATA et al further discloses that the switch has a gravity sensible drive (see English abstract).

Regarding claim 6, see the parent claim concerning the subject matter this claim depends from. URATA et al further discloses that the switch can serve all said sets of receiving and reproduction of speech signal devices (see English abstract).

Regarding claim 9, see the parent claim concerning the subject matter this claim depends from. URATA et al further discloses that a gravity sensitive element is used the element of the device structure (see English abstract).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over URATA et al (JP 04022244 A) in view of MCDERMOTT (US 5,161,879 A).

Regarding claim 3, see the parent claim concerning the subject matter this claim depends from. However, URATA et al does not disclose a manual drive for the switch. MCDERMOTT discloses a gravity switch that has a manual override (abstract). Therefore it would have been obvious to a person of ordinary skill in the art at the time that the invention was made for a gravity switch to have a manual override. This is beneficial in that it would permit operation of the device in an orientation in which the gravity switch wouldn't permit the device to operate.

Regarding claim 7, see the parent claim concerning the subject matter this claim depends from. However, URATA et al does not disclose that a switch drive can be turned from manual to automatic mode and vice versa. MCDERMOTT discloses a gravity switch that has a manual override (abstract). Therefore it would have been obvious to a person of ordinary skill in the art at the time that the invention was made for a gravity switch to have a manual override. This is beneficial in that it would permit operation of the device in an orientation in which the gravity switch wouldn't permit the device to operate.

5. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over URATA et al (JP 04022244 A).

Regarding claims 4 and 5, see the parent claim concerning the subject matter this claim depends from. However, URATA et al does not explicitly disclose that one more sets of receiving and reproduction of speech signal devices is installed on the rear

side of device. Nevertheless URATA et al's teaching suggests having one more sets of receiving and reproduction of speech signal devices is installed on the rear side of device. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have one more sets of receiving and reproduction of speech signal devices installed on the rear side of device. URATA et al's teaching permits a communication device to be used in a upside-down orientation (see English abstract). This enables a user the communication device to use the device without having to worry about right side up or an upside-down orientation. By the same logic, URATA et al's teaching is equally applicable to enabling a communication device to operate in a reverse orientation. By placing the one more set of receiving and reproduction of speech signal devices on the rear side of device, the user would not have to make a front or reverse distinction. Moreover, having one more additional sets of receiving and reproduction of speech signal devices installed on the rear side of device already having one more sets of receiving and reproduction of speech signal devices on the rear side of device, is within URATA et al's teaching (see English abstract).

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over URATA et al (JP 04022244 A) in view of CHARLIER et al (US 6,334,063 A).

Regarding claim 8, see the parent claim concerning the subject matter this claim depends from. However, URATA et al does not disclose that the switch has a hysteresis function in operation diagram. CHARLIER et al discloses a gravity stitch that has a hysteresis function (abstract). Therefore it would have been obvious to a person

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of ordinary skill in the art at the time the invention was made to operate with a hysteresis function. Operating with a hysteresis function prevents inadvertent changes due to momentary movement of the device.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

KONDO (JP 61201540 A)

TAKAMI (JP 62097455 A)

MIYAMOTO (JP 60077595 A)

MURAKOSHI et al (JP 61006959 A)

WELLS et al (US 5,048,077 A)

WATANABE (US 3,883,694 A)

GLEESON (US 6,477,160 B2)

LANDS et al (US 6,411,828 B1)

MASAMURA (US 2002/0137478 A1)

UUSIMAKI (US 6,571,086 B1)

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond B. Persino whose telephone number is (703) 308-7528. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:30 PM.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Raymond B. Persino  
Examiner  
Art Unit 2682

RP

RP



VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
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6/28/04